

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused. Chairman Landis invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published September 23, 2009 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 29, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, September 29, 2009

NUSF-69.03 Commission Hearing Room, Lincoln. In the Matter of the  
10:30 Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless. Commissioner Frank Landis presiding as Hearing Officer.

911-23.04 Commission Hearing Room, Lincoln. In the Matter of  
2:00 Custer County, Broken Bow, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Commissioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

AD-484r In the Matter of the Application of Medassist, Inc.,  
Louisville, Kentucky, seeking authority to register the connection of an automatic dialing-announcing device in Louisville, Kentucky: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4165 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and determine whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Area Service Traffic. Commissioner Jerry Vap presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer Order was entered September 28, 2009, modifying the procedural schedule. An oral argument was scheduled for October 6, 2009 at 11:00 a.m. in the Commission Hearing Room, Lincoln and the hearing previously set for December 2-3, 2009 was rescheduled for January 26, 2010, to begin immediately following the Commission meeting and continuing to January 27-28, 2009 at 10:00 a.m. each day if needed.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-022.17 In the Matter of Long Lines Wireless, Sergeant Bluff, Iowa, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving a funding request for services provided. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

911-023.71 In the Matter of Hitchcock County, Public Safety Answering Point, Trenton, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order amending the December 17, 2007 order regarding maintenance. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

911-040/  
PI-152 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to coordinate federal grants through the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act): Sue Vanicek reported that a letter has been received notifying the department that the Federal 911 grant was approved.

NUSF-1,  
P.O. #5 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Arapahoe Telephone Company; Diller Telephone Company; Cozad Telephone Company; Hartman Telephone Exchange: Sue Vanicek discussed the deviation of payment audit procedures' language for the above named companies. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to accept the third-party audit language as submitted. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to levy a late-fee against inContact, Inc., dba UCN, Inc., that complaints be opened against USA Digital Communications, Inc. and Opex Communications, Inc. and that the current Complaint NUSF-37.193 against I-Wireless, Inc. be amended to include the late-filed July, 2009 data period. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Laurie Casados reported on the 2009 Nebraska Rural Health Conference held on September 17-18, 2009 in Kearney.

NATURAL GAS DEPARTMENT

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order correcting party status and granting informal intervention. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT

B-1343 In the Matter of Denver Coach, Inc., Scottsbluff, seeking Supp. 1 to acquire, through transfer, the authority granted to TF-CF, Inc., dba Touch of Class Limousine, Morrill, in Certificate B-1673: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1673. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1650 In the Matter of Eastern Horizon Transportation, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage between points in Douglas, Sarpy, Cass, and Washington counties, on the one hand, and points between said counties on the other hand. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1716 In the Matter of Accute Transportation, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by van between points in Douglas, Dodge and Sarpy counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, a prehearing conference order was entered scheduling a hearing for November 4, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Tim Schram was appointed as Hearing Officer.

M-10558 In the Matter of Canning Truck Services, Inc., Fairbury, dismissing the suspension of the Public Service Commission certificate issued in Application M-10558: Motion made by Commissioner Johnson, seconded by Commissioner Vap, to enter an order dismissing the suspension. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was decreased to \$.56 per mile, and the Tariff 22 was decreased to \$2.36 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders setting seal and plan review fees for the Recreational Vehicle, Modular Housing and Manufactured Home Programs. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

RVF-3 In the Matter of the Commission, on its own motion, seeking to determine the seal and plan review fee amounts for the Recreational Vehicle program.

MODF-3 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.

MANF-2 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Manufactured Home Program.

Commissioner Anne Boyle entered the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

GW-2113 In the Matter of United Farmers Cooperative, York, seeking a \$25,000.00 deductible on its stock insurance coverage: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Steve Stovall	\$	664.13
Frank Landis		394.90
Gerald Vap		1,297.91

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Hearing Health Care	1,088.13
B Hear Inc.	2,137.60
Beltone	2,472.95
Carl A. Johnson Jr.	935.82
Grand Island Hearing Aid Center	2,336.00
Hamilton Telecommunications	269.90
Harris Communications	1,420.60
Hearing Aid Center of Columbus	389.93
Johnson Hearing Aid Service	414.51
K-D Communications	881.85
League of Human Dignity	1,288.95
Professional Hearing Aid Services	1,525.50
Sherard Hearing Aid Center	1,426.44
Sprint	199.99
Talk To Me Technologies	998.00
Teltex	969.99
The Hearing Clinic	1,640.00
U-Save Pharmacy & Medical Supply	258.95
Weitbrecht Communications	1,767.30
White's Hearing Aid Specialists	189.95

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Don Gray to travel to and attend the North American Numbering Council (NANC) meeting to be held on October 15, 2009 in Washington, DC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:32 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:45 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize the Natural Gas Department to contract for the use of temporary employees to assist in answering consumer calls related to the SourceGas rate increase proceeding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to accept the retirement of Robert Bowman effective October 31, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:47 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on October 6, 2009, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on October 5, 2009.

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Chair man

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Executive Director